

## **IDAPA 05 – IDAHO DEPARTMENT OF JUVENILE CORRECTIONS**

### **Community, Operations, and Program Services**

#### **05.01.04 – Uniform Standards for Juvenile Probation Services**

##### **Who does this rule apply to?**

*These rules apply to county juvenile probation departments in Idaho or any public or private agency contracted to provide juvenile probation services.*

##### **What is the purpose of this rule?**

*These rules ensure that all county juvenile probation services operate under consistent standards based on the principles of accountability, community protection, and competency development.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statute(s) passed by the Idaho Legislature:*

State Prisons and County Jails -

- [Section 20-504\(12\)\(15\), Idaho Code](#) – Juvenile Corrections Act: Duties of The Department of Juvenile Corrections

##### **Who do I contact for more information on this rule?**

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## 05.01.04 – UNIFORM STANDARDS FOR JUVENILE PROBATION SERVICES

### 000. LEGAL AUTHORITY.

These rules are adopted pursuant to Title 20, Chapter 5, Idaho Code. (3-31-22)

### 001. SCOPE.

These rules are established to ensure that all county juvenile probation services operate under consistent standards based on the principles of accountability, community protection, and competency development. (3-31-22)

### 002. ADMINISTRATIVE APPEALS.

This chapter does not provide for appeal of the administrative requirements for agencies. (3-31-22)

### 003. -- 009. (RESERVED)

### 010. DEFINITIONS.

In addition to the definitions in Section 20-502, Idaho Code, the following definitions apply: (3-31-22)

**01. Balanced Approach.** An approach to juvenile justice that gives balanced attention to holding offenders accountable, developing competencies, and protecting the community. (3-31-22)

**02. Case Management Plan.** A plan developed in collaboration with those directly involved in a juvenile's case to address criminogenic risk factors and identified needs. (3-31-22)

**03. Evidence-Based Practices.** Practices that are demonstrated to be effective through empirical research. (3-31-22)

**04. Graduated Sanctions.** An evidence-based model for juvenile offenders that combines accountability and sanctions with increasingly intensive treatment and rehabilitation services. (3-31-22)

**05. Juvenile Probation Department.** Any public or private agency, made up of one (1) or more staff, administered by or contracted with the court or county to provide juvenile probation services to a county at the expense and concurrence of the county commissioners. Services may include intake, diversion, supervision, restitution, and community service work. (3-31-22)

**06. Juvenile Probation Officer.** An employee of a juvenile probation department who is responsible for supervision of juvenile offenders' compliance with court orders. (3-31-22)

**07. Probation.** A legal status created by a court order that permits a juvenile offender to remain in the community with conditions and restrictions imposed by the court. (3-31-22)

**08. Recidivism.** A measure that counts the number of juvenile offenders who are adjudicated of a new misdemeanor or felony offense within a specified time period. (3-31-22)

**09. Validated Risk/Needs Assessment.** A validated instrument that measures a juvenile's criminal risk factors and specific needs that, if addressed, should reduce the juvenile's likelihood to reoffend. (3-31-22)

### 011. – 099. (RESERVED)

### 100. REVIEW PROVISIONS.

The Idaho Department of Juvenile Corrections will collaborate with the courts and the counties to visit and review all juvenile probation departments to assess compliance with these rules. A written report of each review will be prepared by the Department and provided to the appropriate juvenile probation administrator with copies to the county commissioners and the administrative judge. (3-31-22)

### 101. – 199. (RESERVED)

### 200. ADMINISTRATION.

**01. Department Mission Statement.** Juvenile probation departments should have a department mission statement that incorporates the principles of the balanced approach and guides the operations of the department. (3-31-22)

**02. Policies and Procedures.** Juvenile probation departments shall have policies and procedures for

the operation of the department that are consistent with existing laws, local rules, and evidence-based practices. All written policies, procedures, rules and regulations should be dated, reviewed at least annually, and made available to department employees. Policies will include administrative procedures for the following: (3-31-22)

- a. Roles of employees and organizational authority within the department; (3-31-22)
- b. Communication and dissemination of pertinent information to staff; (3-31-22)
- c. Records management in accordance with Idaho Court Administrative Rule 32; and (3-31-22)
- d. Internal case review to ensure the quality of supervision and compliance with standards. (3-31-22)

**03. Fidelity.** Juvenile probation departments should demonstrate that practices adhere to department protocols and program models. (3-31-22)

**04. Data.** Juvenile probation departments should have policies and procedures to collect and analyze data on at least an annual basis that allows for an analysis of local trends in juvenile justice, measures recidivism, and evaluates any other identified department objectives. (3-31-22)

**201. – 299. (RESERVED)**

**300. STAFF QUALIFICATIONS AND STAFF DEVELOPMENT.**

All juvenile probation departments will have written policy and procedures governing staffing, to include: (3-31-22)

**01. Minimum Qualifications:** (3-31-22)

a. Juvenile probation officers should meet and maintain the minimum standards of employment as provided in IDAPA 11.11.01, “Rules of the Idaho Peace Officer Standards and Training Council.” (3-31-22)

b. Juvenile probation officers should adhere to the Idaho Juvenile Probation Officer Code of Ethics and the Code of Ethics/Standards of Conduct as provided in IDAPA 11.11.01. (3-31-22)

**02. Training and Staff Development:** (3-31-22)

a. Juvenile probation departments should ensure staff training based on their written policy and procedures. The training should meet staff needs, be reviewed regularly, and address current trends. The training should also ensure that all juvenile probation officers earn the juvenile probation officer certificate as mandated in IDAPA 11.11.01. (3-31-22)

b. Juvenile probation officers should obtain at least twenty (20) hours of continuing education each year after certification as a juvenile probation officer. At least six (6) hours of annual continuing education should be on evidence-based/best practices in juvenile justice. (3-31-22)

c. Each juvenile probation department will maintain accurate documentation of continued training hours for each juvenile probation officer. (3-31-22)

**301. – 399. (RESERVED)**

**400. JUVENILE PROBATION SERVICES.**

All juvenile probation departments shall operate in accordance with IDAPA 05.01.04 and have policies and procedures regarding the following: (3-31-22)

**01. Balanced Approach Model.** Supervision of juvenile offenders and services provided to juvenile offenders and their families should be based on the Balanced Approach Model. (3-31-22)

**02. Engaging and Involving Families.** Juvenile probation officers should document efforts to engage and involve a juvenile offender’s family and/or other supportive individuals. (3-31-22)

- 03. Validated Risk Assessment.** A validated risk assessment should be utilized to determine the criminogenic risk factors and needs of the juvenile offender. (3-31-22)
- 04. Assessments.** Assessments should be utilized when applicable to assist in making recommendations to the Court and in developing individualized case plans. (3-31-22)
- 05. Risk and Need Classification.** Risk assessment and supplemental assessment results should be used to recommend length of probation and to determine level and type of supervision, frequency of contact, and intensity of services. (3-31-22)
- 06. Case Management Plans.** Individualized case management plans should focus on the most significant criminogenic risks as identified by the risk assessment and supplemental assessments. The plan should prioritize and address criminogenic risks, needs, and responsivity factors, rated moderate or higher, with special emphasis on addressing anti-social attitudes, values, and beliefs. Case management plans should be reviewed with the juvenile and/or their parent/guardian and updated, as needed, per department policy. (3-31-22)
- 07. Collateral Contacts.** Juvenile probation officers should conduct collateral contacts and verify information about juvenile offenders that is important to the supervision process. (3-31-22)
- 08. Documentation.** Juvenile probation officers should maintain timely and accurate records of each juvenile offender under supervision, consistent with the juvenile probation department policies. (3-31-22)
- 09. Evidence Based/Best Practices and Programs.** Evidence-based/best practices and programs should be utilized to promote a greater likelihood of positive outcomes. (3-31-22)
- 10. Collaboration with Community Partners.** Juvenile probation officers should collaborate with public and private agencies to assist juveniles and their families to obtain services and utilize community resources. These partners may include treatment providers, employment agencies, law enforcement, school systems, and other government and non-profit organizations. (3-31-22)
- 11. Court Reports.** Reports should provide the Court pertinent information as well as sufficient detail regarding the risks and needs of the juvenile. (3-31-22)
- a.** Any recommendations contained in the report should address the needs of the juvenile including supervision, treatment, and other special conditions applicable based on the juvenile's risk. (3-31-22)
- b.** Information in reports should be verified to ensure accuracy and credibility of the information. (3-31-22)
- c.** Juvenile probation departments should have procedures to review and approve reports to ensure quality control and consistency. (3-31-22)
- d.** All reports should be filed in a timely manner as determined by the Court and department policies. (3-31-22)
- 12. Use of Detention.** Policies should reflect the risk/needs principle and the use of graduated sanctions. Alternatives to detention should be sought out for low-risk offenders. (3-31-22)
- 13. Physical Intervention.** In the event a juvenile probation department authorizes the use of chemical agents or other weapons, juvenile probation officers must be certified for their use by a certified instructor. Physical force used in instances of justifiable protection of the juvenile or others must be documented. (3-31-22)
- 14. Reporting of Abuse/Neglect.** Physical and sexual abuse and neglect must be reported and documented in accordance with Section 16-1605, Idaho Code. (3-31-22)
- 15. Transfer of Cases.** Transfer of cases should occur in accordance with chapter 5, Title 20, Idaho

Code, and Idaho Juvenile Rule 10. (3-31-22)

**a.** Juvenile probation officers should communicate with the county where a juvenile will reside regardless of whether or not supervision will be requested. Such communication should occur as soon as a change in residence is determined. (3-31-22)

**b.** The juvenile probation department in the sending county should communicate, in writing, to the juvenile probation department in the receiving county regarding the supervision request. Information provided should include juvenile and guardian name, address, phone, school (if known), criminal history, disposition and terms, and conditions of supervision. (3-31-22)

**c.** In the event a juvenile is relocating to or from another state, the juvenile probation officer should comply with the provisions of the Interstate Compact for Juveniles, Chapter 19, Title 16, Idaho Code. (3-31-22)

**16. Absconders.** Reasonable steps should be taken to locate juvenile offenders who fail to report for probation supervision and whose whereabouts are unknown. (3-31-22)

**17. Transportation of Juveniles.** All juvenile probation officers who transport a juvenile will have a valid driver's license in good standing and valid proof of insurance. (3-31-22)

**18. Release of Information.** Information contained in probation files is confidential and may only be released in accordance with state and federal laws. Written policy and procedures should include what information can be provided, who should provide the information, and how it should be provided. (3-31-22)

**19. Additional Policy and Procedures.** Juvenile probation departments will establish written policy and procedures in accordance with their county policies regarding the following (if applicable): (3-31-22)

**a.** Diversions; (3-31-22)

**b.** Victim and community restoration; (3-31-22)

**c.** Search and seizure; (3-31-22)

**d.** Drug testing; (3-31-22)

**e.** Probation violations; (3-31-22)

**f.** Medical emergencies; and (3-31-22)

**g.** Termination of cases. (3-31-22)

**401. -- 999. (RESERVED)**